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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,544	01/27/2004	George Chester Cox		2318

7590 10/30/2008
Mr. George Chester Cox
P.O. Box 86
Bedford Hills, NY 10507

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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10/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,544	Applicant(s) COX, GEORGE CHESTER	
	Examiner Susanna M. Diaz	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed October 6, 2008.

Claims 1-12 have been cancelled.

Claim 13 has been added and is presented for examination.

Response to Amendment

2. The previously pending objection to the specification is withdrawn in response to Applicant's submission of an amended abstract.

All previously pending rejections are now moot since claims 1-12 have been cancelled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Stinson et al. (U.S. Patent No. 6,045,039).

Stinson discloses a system comprising:

[Claim 13] a receiving device for receiving a digital identifier of an account holder (col. 9, line 47 through col. 10, line 35; col. 16, lines 22-55; col. 18, line 39 through col. 19, line 2);

means for storing a pre-authenticated digital identifier and a pre-authenticated digital facial image of the account holder (col. 9, line 47 through col. 10, line 35; col. 16, lines 22-55; col. 18, line 39 through col. 19, line 2);

means for matching the received digital identifier with a pre-authenticated digital identifier, for retrieving the pre-authenticated digital facial image corresponding to the matched pre-authenticated digital identifier, and for outputting the retrieved pre-authenticated digital facial image (col. 9, line 47 through col. 10, line 35; col. 16, lines 22-55; col. 18, line 39 through col. 19, line 2);

a communication means for connecting the database to the receiving device and for communicating the received digital identifier to the database (col. 9, line 47 through col. 10, line 35; col. 16, lines 22-55; col. 18, line 39 through col. 19, line 2); and

a display device, which is coupled to the database via the communication means, for displaying the retrieved pre-authenticated digital facial image supplied by the database for determining whether the retrieved pre-authenticated digital facial image and the account holder match (col. 9, line 47 through col. 10, line 35; col. 12, lines 49-65; col. 13, lines 27-45; col. 16, lines 22-55; col. 18, line 39 through col. 19, line 2).

5. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Houvener et al. (U.S. Patent No. 6,397,194).

Houvener discloses a system comprising:

[Claim 13] a receiving device for receiving a digital identifier of an account holder (col. 4, lines 55-67; col. 9, line 1 through col. 10, line 23; col. 11, line 17 through col. 12, line 3);

means for storing a pre-authenticated digital identifier and a pre-authenticated digital facial image of the account holder (col. 4, lines 55-67; col. 9, line 1 through col. 10, line 23; col. 11, line 17 through col. 12, line 3);

means for matching the received digital identifier with a pre-authenticated digital identifier, for retrieving the pre-authenticated digital facial image corresponding to the matched pre-authenticated digital identifier, and for outputting the retrieved pre-authenticated digital facial image (col. 4, lines 55-67; col. 9, line 1 through col. 10, line 23; col. 11, line 17 through col. 12, line 3);

a communication means for connecting the database to the receiving device and for communicating the received digital identifier to the database (col. 4, lines 55-67; col. 9, line 1 through col. 10, line 23; col. 11, line 17 through col. 12, line 3); and

a display device, which is coupled to the database via the communication means, for displaying the retrieved pre-authenticated digital facial image supplied by the database for determining whether the retrieved pre-authenticated digital facial image and the account holder match (col. 4, lines 55-67; col. 9, line 1 through col. 10, line 23; col. 11, line 17 through col. 12, line 3).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna M. Diaz/
Primary Examiner, Art Unit 3692